

Committee Print on the Communications Opportunity, Promotion, and Enhancement Act of 2006

Statement of Representative Anna G. Eshoo

Markup of "H.R. ____, a Committee Print on the Communications

Opportunity, Promotion, and Enhancement Act of 2006

House Committee on Energy and Commerce

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Mr. Chairman, I appreciate the work that you and your staff have put into this draft, but I'm disappointed that this bill fails to deal with several critical issues, particularly the need for strong "Network Neutrality" rules to protect consumers and preserve the open Internet.

I support efforts to create more competition in both the video and broadband markets. I applaud the efforts of cable and others to provide alternatives to Bell telephone service, and I think we should do everything we can to encourage the Bell companies to build out their networks to compete against Cable TV.

But the end result of this new "IP-based" world can't be a newly reconstituted AT&T duking it out with the big cable companies. In order to ensure vigorous competition and innovation we need to make sure that other entrants have a fighting chance.

And I think the legislation before us falls short.

Congress should provide appropriate rules and policies for new IP video offerings, but we must ensure that as broadband competition between the Bells and cable heats up, we preserve an open, competitive infrastructure for the Internet itself.

The most important feature of the Internet and IP-based technology is the potential to provide any form of communication or content - voice, video, movies, music, messaging, etc. - over a single network.

This means that through a single Internet connection - regardless of who the access provider is - consumers and businesses should be able to receive almost any information, entertainment, or commercial content.

We have to ensure that the diversity of content and sources of information that we have on the Internet today does not get locked down as the Internet converges with the more traditional cable and telephone networks.

I'm concerned that the bill before us does not provide sufficient protections for this diversity and appropriate "Net Neutrality" rules to prevent vertical integration of Internet access and content. In fact, this legislation is worse than doing nothing - it prohibits the FCC from doing anything other than preventing complete blocking of unaffiliated content.

We all support the possibility of additional consumer choices and competition among broadband providers, but I believe that as we consider new regulatory "rules of the road" for broadband providers we should not enable them to stifle competition in the provision of Internet content, applications, and services.

For the foreseeable future, the cable and phone companies will serve as a "chokepoint" for Internet access for the vast majority of Americans, and I believe it's incumbent on this Committee and Congress to ensure that the non-discriminatory framework that has allowed both the Internet to thrive, and competition on the Web to flourish, is preserved.

Without meaningful, enforceable "Net Neutrality" rules, we will be enabling network operators to fundamentally change the open nature of the Internet, allowing them to become gatekeepers for Internet users' access to content.

The major telephone companies have made it clear that they intend to establish "toll roads" on the Information Superhighway, making premium service levels available only for their preferred content.

The Bell companies' plans for "tiering" of Internet service would fundamentally change the way the Internet has always operated - openly and without barriers to content. There can be arguments about whether this system is fair or necessary, but it's difficult to dispute that this will fundamentally change the Internet and the experiences of Internet users.

Congressmen Markey, Boucher, Inslee and I will be offering an amendment to protect Net Neutrality and the open Internet, and ensure that large network operators do not assume effective editorial and competitive control over the multitude of voices and innovations now freely accessible on the Net.

I'm also very disappointed that the bill fails to institute any requirements for new video franchises to provide service throughout the franchise.

Without such obligations, and without local governments able to exercise any authority over these franchises, new video providers will almost certainly gravitate toward the most lucrative - and often the most wealthy - communities within a service area. They will have no responsibility to expand service to all consumers, and local governments will be powerless to prevent the "cream skimming" that will likely follow.

I hope that my Colleagues will join me in supporting the Solis-Dingell-Markey Buildout Amendment to implement minimal requirements for national franchise holder to build out their facilities to diverse parts of their communities

I urge my Colleagues to carefully consider these important issues, and I hope adopt a more balanced and more reasonable approach. There is too much at stake to get this wrong.